UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/291,147	STORISTEANU ET AL.
	Examiner	Art Unit
	Almari Yuan	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 21-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 21-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 11/12/04.

2.   The rejection of claims 27-35 under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement has been withdrawn based on Applicant's remarks filed

11/12/04, pages 10-15.

3.   Claims 36-38 are newly added. Claims 1-16 and 21-38 are pending. Claims 1, 8, and 13

are independent claims.

Claim Rejections - 35 USC § 112

4.   Claims 36-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention.

Regarding dependent claim 36, the added claim limitation "wherein said mark control

module creates at least one data structure for each said set mark in said document, said at least

one data structure being maintained outside said document", is not specifically described/enabled

in Applicant's specification.   Applicant is advised against the addition of new matter.

Regarding dependent claims 37-38, the added claim limitation "wherein said

activemark comprises an instantiation of at least one data structure that is maintained outside said

document" is not specifically described/enabled in Applicant's specification.   Applicant is

advised against the addition of new matter.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 1-7 and 25-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding independent claim 1, the claimed language "programmable text processing module", "mark control module", "graphical user interface module", and "an edit control module" refers to a software per se and are not tangibly embodied on a computer readable medium or hardware.

Dependent claims 2-7 and 25-38 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1-16 and 21-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over "LPEX User's Guide and Reference", 03/1996, IBM, Second Edition, pages 1-37 (herein after "LPEX") in view of "Incrementally Imbedded Messages in an Edit View", 11/1995, IBM Technical Disclosure Bulletin, Volume 38, Issue 11, printed pages 1-5 (herein after "IBM").**

Regarding independent claims 1, 8, and 13 (and dependent claims 21-25, 27-28 and 32),

discloses:

A processing system for processing a document, said processing system comprising:

a programmable text processing module having means for loading the document and a parsing editor for initially parsing the document (LPEX on page 10 and pages 17-18 teaches LPEX is a Live Parsing Editor that acts interactively on a loaded document; when opening a file, the editor automatically runs a load macro that invokes a parser);

a mark control module having means for setting a plurality of marks in the document, means for modifying said marks, and means for clearing said marks, and each of said marks comprising selected information in the document and said means for setting being responsive to the operation of said parsing editor without user intervention (LPEX on page 15 teaches setting marks on page 13 teaches the user can know how to highlight or mark a block of text and pages 17-18 teaches the parser uses colors to highlight (mark) different items in a programming language document, in other words, LPEX (parsing editor) has the capability of highlighting (marking) within a loaded document without the user intervention; wherein the user can later modify the marks or unmarking the block of text);

a graphical user interface module means for displaying the document and means for controlling the display of the document (LPEX on page 10 teaches starting a parser to display the structure of a document); and

an edit control module having means for controlling said text processing module, means for controlling said mark control module, and means for controlling said graphical user

interface module (LPEX on pages 17-18 teaches LPEX parser is an editor command that interactively works on the document).

However, LPEX does not explicitly disclose "incrementally parsing changes committed in said document" and "linking said selected information with a command".

IBM "Incrementally Imbedded Messages in a Edit View" on pages 1 and 4 teaches an incremental parser and pages 1 and 2 teaches a message is inserted into the edit view which refers to the text immediately above; the parser highlights the text in error and provides a message that describes the error; once the error is corrected, the parser re-parses and removes all messages, in other words, the messages can be commands or suggestions for correcting an error from the edit window.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a way to incrementally parse a document and provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 2 and 14-15, IBM discloses:

linking commands internal and external to said processing system to one or more selected marks (IBM "Incrementally Imbedded Messages in a Edit View" on pages 1 and 2 messages can be linked to each highlighted block of text).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each

highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to

help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 3 and 6, IBM discloses:

wherein said linking means includes means, responsive to inputs entered by a user

through said graphical user interface module, for activating a command linked with said selected

information (IBM on page 2 the user can navigate and manipulate messages within an edit

window).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified IBM into LPEX to provide a message with each

highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to

help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 4, 9, and 16, IBM discloses:

wherein said mark control module includes means for changing the appearance of said

mark in said document in response to activation of said mark (IBM on page 2 teaches the parser

highlights the text in error and the message line is colored differently; wherein the severity of

message is also reflected in its color).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified IBM into LPEX to provide a message with each

highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to

help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 5, IBM discloses:

wherein said edit control module maintains the selected mark synchronized with text being edited in the document (IBM on page 2 teaches the text can be highlighted in error to be edited by the user).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 7, LPEX discloses:

wherein said linking means selectively links any piece of text in the document with any of an editor command and macro, wherein such linking is unspecified in the document loaded in the parsing editor, and wherein said mark is set to a piece of text by at least one of said parsing editor and an external command running in the edit system (LPEX on page 17 teaches editor command and macros to be invoked by the parser; wherein the editor runs the commands to invoke the appropriate parser for the document; also see page 20).

Regarding dependent claims 10-11, IBM discloses:

wherein the activemark mechanism allows a selected activemark to be exclusively displayed in the edit view according to conceptual relatedness (IBM on page 2 teaches displaying highlighted text in error in an edit window).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified IBM into LPEX to provide a message with each highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to help users write programs in a Live Parsing Editing environment.

Regarding dependent claim 12, IBM discloses:

wherein said activemark is set to a piece of text by at least one of said parsing editor and

an external command running in the edit system (IBM on page 2 teaches messages are set to

each highlighted block of text by the parsing editor).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified IBM into LPEX to provide a message with each

highlighted block of text, as taught by IBM, incorporated into the system of LPEX, in order to

help users write programs in a Live Parsing Editing environment.

Regarding dependent claims 29-31, LPEX discloses:

plurality of parsing editors (LPEX on page 17 teaches LPEX comes with parsers for C,

C++, COBOL, and Fortran).

Regarding dependent claims 33, LPEX discloses:

marks are static and other than hard coded in said document (LPEX on page 13 teaches

the user can know how to highlight or mark a block of text into a document (hard coded)).

Regarding dependent claim 35, LPEX discloses:

plurality of markup languages (LPEX on page 12 and page 17 teaches the LPEX has the

capability in acting interactively on programming language document).

Regarding dependent claims 36-38, LPEX discloses:

activemark comprises an instantiation of at least one data structure that is maintained

outside said document (LPEX on page 17 teaches parser uses colors and font to highlight items

within the document. A macro needs to be invoked to facilitate the parser for color and

emphasize of the data being displayed. The macro is an external file that is called by the editor).

Response to Arguments

9.   Applicant's arguments filed 11/12/04 have been fully considered but they are not

persuasive.

Regarding Applicant's remarks on page 9:

The Examiner maintains the 101 rejection of claims 1-7 and 25-38 because the claimed

language "module" still refers to a software per se and are not tangibly embodied on a computer

readable medium or hardware to be executed. See MPEP §2106.

Regarding Applicant's remarks on pages 15-16:

Applicant's argues that the present Application "marks/activemarks" are bookmarks. In

contrast, "marking text" in LPEX means to select text (p. 13). "Setting a mark" in LPEX merely

sets a conventional bookmark (p. 5).

Applicant's description at lines 6-18 of page 1 of the present Application wherein

"...marks are typically used for setting bookmarks in the text..." in the background of the

invention is considered as prior art. The language "...marks are typically used for setting

bookmarks in the text" is not ""mark/activemarks" are bookmarks" as stated by Applicant.

LPEX on page 15 teaches think of marks as bookmarks that holds your place within a

document. Setting of marks help elements within a document to be named, saved, and then

quickly displayed, in other words, the marking of a selected element can named and saved.

Regarding Applicant's remarks on page 17:

Applicant argues that LPEX does not teach or suggest any mark control module being controlled by the parser.

As defined by Applicant's present Application on page 3, lines 4-5 LPEX is a Live Parsing Extensible Editor.

Therefore, LPEX as a parser has the capability of controlling the function of marking within a document (pages 17-18). LPEX on page 17, 1st paragraph teaches the parser uses colors and fonts to highlight different items in a programming language document. Furthermore, LPEX on page 13 teaches marking or highlighting a block of text before manipulating the text and on page 15 teaches setting the marks within the element by naming or saving (like a bookmark).

Regarding Applicant's remarks on page 17, last paragraph - page18:

IBM teaches an editor live parser and its incremental analysis functions (page 1).

IBM does disclose "incrementally parsing changes committed in said document" on page 1 and 2 teaches incremental verification such as syntax checking and on page 4 teaches marking for changes such as deletion from the incremental parser. IBM does disclose "linking said selected information with a command" on pages 1-2 teaches messages corresponds to text that is in error and that has been highlighted by the parser. The error messages are controlled by the live-parsing editor (page 2).

Regarding Applicant's remarks on page 19:

Applicant argues that LPEX does not teach associating marks with editor commands or macros.

LPEX teaches parser invokes macro which is associated with coloring and emphasizing (marking) the data being displayed (page 17).

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 571-272-4104. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
January 23, 2005

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER